

NOV. 26. 2003 3:59PM LVM 312 616 5700

NO. 1692

RECEIVED  
CENTRAL FAX CENTER

NOV 26 2003

OFFICIAL

LAW OFFICES

**LEYDIG, VOIT & MAYER, LTD.**  
TWO PRUDENTIAL PLAZA, SUITE 4900  
CHICAGO, ILLINOIS 60601-6780

TELEPHONE: (312) 616-5600

TELECOPY: (312) 616-5700 (G3)  
(312) 849-0495 (G4)

**FACSIMILE COVER SHEET**

DATE: NOVEMBER 26, 2003

NUMBER OF PAGES (INCLUDING  
THIS TRANSMITTAL COVER SHEET): 8

OUR REFERENCE: 211267

**OFFICIAL**

FROM: PAUL J. FILBIN  
REGISTRATION No. 51,677

TO: EXAMINER AMY E. PULLIAM  
ART UNIT 1615  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231

TELEPHONE NUMBER: (703) 308-4710  
FACSIMILE NUMBER: (703) 305-3592

IN RE APPLN. OF: PENTEADO ET AL.  
SERIAL No. 09/854,859  
FILED: MAY 14, 2001  
FOR: APPLICATION OF PHYTOSTEROIDS (AND ISOMERS  
THEREOF), FOLIC ACID, CYANOCOBALAMINE AND  
PYRIDOXINE IN DIETETIC (ALIMENTARY) FIBERS  
GROUP ART UNIT: 1615  
EXAMINER: A.E. PULLIAM

**ATTACHED:**

- RCE TRANSMITTAL (1 PAGE IN DUPLICATE)
- PTO-1083 TRANSMITTAL (1 PAGE IN DUPLICATE)
- RESPONSE (3 PAGES)

A confirmation copy of the transmitted documents will:

- ☒ Not be sent. This will be the only form of delivery of the transmitted document.

The information contained in this facsimile transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or an authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thank you.

<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application No.</b>	09/854,859
	<b>Filing Date</b>	May 14, 2001
	<b>First Named Inventor</b>	Penteado
	<b>Group Art Unit</b>	1615
	<b>Examiner Name</b>	A.E. Pulliam
	<b>Attorney Docket No</b>	211267

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

**1. Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Form PTO-1449
- v. ☐ Copies of documents listed in Form PTO-1449
- vi. ☐ Other:

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)
- b. ☐ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.
- i. ☒ RCE fee of \$770.00 (large entity) required under 37 CFR 1.17(e)
- ii. ☐ One-month extension of time fee of \$110.00 (37 CFR 1.136 and 1.17)
- iii. ☐ Petition for an extension of time for the period noted above, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- iv. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(i))
- v. ☐ Other:

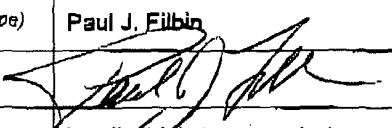
770.00

**Total amount to be charged to Deposit Account**

**\$770.00**

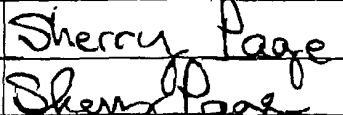
- b. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 12-1216

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

<b>Name (Print/Type)</b>	Paul J. Filbin	<b>Registration No. (Attorney/Agent)</b>	51,677
<b>Signature</b>		<b>Date</b>	November 26, 2003
<b>Address</b>	Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780	<b>Phone</b>	(312) 616-5600 (telephone) (312) 616-5700 (facsimile)

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this RCE Transmittal is, on the date indicated below, ☐ being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or ☒ being facsimile transmitted to the U.S. Patent and Trademark Office.

<b>Name (Print/Type)</b>	Sherry Page	<b>Date</b>	11/26/03
<b>Signature</b>			

NOV. 26. 2003 4:00PM

LVM 312 616 5700

NO. 1692 P. 4

PATENT

Attorney Docket No. 211267

Date: November 26, 2003

In re Application of: PENTEADO et al.

Application No. 09/854,859

Filed: MAY 14, 2001

For:

APPLICATION OF PHYTOSTEROIDS (AND ISOMERS THEREOF), FOLIC ACID,  
CYANOCOBALAMINE AND PYRIDOXINE IN DIETETIC (ALIMENTARY) FIBERSRECEIVED  
CENTRAL FAX CENTER

COMMISSIONER FOR PATENTS

Washington, D.C. 20231

NOV 26 2003

Sir:

OFFICIAL

Transmitted herewith is a response to an office action in the subject application.

☐ Applicants claim small entity status of this application under 37 CFR 1.27.☒ Petition for Extension of Time☐ Applicants petition for a three-month extension of time under 37 CFR 1.136, the fee for which is (enclosed).☒ Applicants believe that no further petition for an extension of time is necessary. However, to the extent that such petition is deemed necessary, Applicants hereby petition for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.☒ No additional claim fee is required.☐ Other:

The claim fee has been calculated as shown below:

THIS CLAIM HAS BEEN CONSIDERED AS SHOWN BELOW.

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDIT. CLAIM FEE	RATE	ADDIT. CLAIM FEE
TOTAL	3	MINUS	20	=	x 9=	\$	x 18=	\$
INDEPENDENT	1	MINUS	3	=	x 43=	\$	x 86=	\$
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 145=	\$	+ 290=	\$
					TOTAL	\$	TOTAL	\$

☐ Please charge my Deposit Account No. 12-1216 in the amount of \$0.00. A duplicate copy of this sheet is attached.☐ A check in the amount of \$ is attached.☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is attached.☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT &amp; MAYER, LTD.

By

Paul J. Filbin, Reg. No. 51,677

Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)